

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SONIA MOREL,

Plaintiff,

v.

BARRY SMITH, et al.,

Defendant.

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Civil No. 1:16-cv-2162

Judge Sylvia H. Rambo

ORDER

Presently before the court is a report and recommendation of the magistrate judge (Doc. 20) in which he recommends that Plaintiff Sonia Morel's complaint be dismissed without leave to amend for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Objections to the report and recommendation were due on July 14, 2017, and to date, no objections have been filed.

Upon review of the facts presented in the complaint, the magistrate judge's report and recommendation, and the applicable law, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation (Doc. 20) is **ADOPTED**;
- 2) The defendants' motion to dismiss the complaint under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 13) is **GRANTED**;

- 3) The complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted;
- 4) The clerk of court is directed to **CLOSE** the case.
- 5) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: August 3, 2017